



## **Filing Receipt**

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**Item Number - 17**

**PUC DOCKET NO. 55094**  
**SOAH DOCKET NO. 473-23-20564**

<b>APPLICATION OF AEP TEXAS INC.</b>	<b>§</b>	<b>PUBLIC UTILITY</b>
<b>TO ADJUST ITS ENERGY EFFICIENCY</b>	<b>§</b>	<b>COMMISSION OF TEXAS</b>
<b>COST RECOVERY FACTOR</b>	<b>§</b>	<b>FACTOR</b>

**SIERRA CLUB MOTION TO INTERVENE**

Pursuant to Section 22.104 of the Procedural Rules of the Public Utility Commission of Texas, Sierra Club respectfully submits this Motion to Intervene as a party to this proceeding. In support of the motion, Sierra Club states as follows:

1. Sierra Club is a non-profit corporation with more than 784,000 members nationwide, including and more than 22,000 members in Texas, approximately 1,000 of whom live in the service area of AEP Texas Inc., and are residential or business customers of AEP Texas. Sierra Club is dedicated to the protection of public health and the environment. To that end, Sierra Club routinely participates in Texas Public Utility Commission proceedings, including in previous Energy Efficiency Cost Recovery Factor (“EECRF”) proceedings, to advocate for cost-effective energy efficiency measures that help reduce the electric sector’s reliance on fossil-fuel burning generation and thereby reduce pollution, while also reducing energy demand, improving system reliability and resiliency, and resulting in rates that reasonable, just, and fair to consumers.

2. On June 1, 2023, AEP Texas filed an application to adjust its Energy Efficiency Cost Recovery Factor. As part of that application, AEP Texas seeks an order adjusting its Energy Efficiency Cost Recovery Factor to recover the utility’s forecasted annual energy efficiency program expenditures. Specifically, AEP Texas Inc. is requesting in the current docket approval of its 2024 Energy Efficiency Cost Recovery Fact in the amount of \$24,833,529. AEP request includes: \$18,694,458 in energy efficiency expenses forecasted for the 2024 program year; \$227,177 for the total over-recovery of 2022 energy efficiency costs; \$6,077,493 energy efficiency performance bonus under 16 TAC § 25.182(e) based on AEP Texas Inc.'s energy

efficiency achievements in 2022; and \$233,450 for the estimated EM&V costs for the evaluation of program year 2023.

3. Sierra Club seeks to intervene in this proceeding in its representational capacity, on behalf of its individual members who live and purchase utilities services from AEP Texas. Sierra Club and its members who live and own businesses in AEP Texas's service territory, and are customers of AEP Texas, have a substantial interest in in this proceeding because they will ultimately bear some of the costs associated with AEP Texas's Energy Efficiency Cost Recovery Factor. Sierra Club and its members also have substantial interests in ensuring that AEP Texas offers cost-effective energy efficiency programs that maximize energy efficiency as a means to reducing reliance on fossil-fuel generation, while also maintaining and improving system reliability in a cost-effective manner. Given recent and ongoing energy system constraints and reliability concerns, Sierra Club and its members have an interest in ensuring that AEP Texas maximizes demand reduction and energy savings that help consumers save energy and money and help maintain system reliability and resilience, and that can help avoid system failures. Based on AEP Texas's initial filing which indicates a potential reduction in energy efficiency spending, Sierra Club believes there is ample room under the reasonable cost caps set by the Commission for AEP Texas Electric to increase offerings to both residential and commercial customers. Thus, Sierra Club and its members have protectible economic and substantive interests in the outcome of this proceeding.

4. Sierra Club and its members also have protectible procedural and organizational interests in this proceeding. During the 88th Legislative Session, Sierra Club was a supporter of both SB 1699, related to aggregated distributed energy resources, and SB 114, which set demand response goals in the ERCOT market. While SB 114 as filed did not pass, a version of SB 114 was added to SB 1699, which was signed by the Governor on June 18th. Therefore, we have an interest in assuring that AEP Texas Electric's energy efficiency programs in 2024 meet the spirit and the letter of the law of SB 1699 by offering robust programs for residential demand response. Currently, AEP Texas Inc. does not offer any residential demand response programs for either the winter or summer.

5. Sierra Club and its members therefore have a right to participate in this proceeding to inform the Commission of their interests and present evidence and argument on whether AEP Texas's requested Energy Efficiency Cost Recovery Factor, as well as the Company's energy efficiency and demand response programs, are reasonable, in the public interest, and will result in just and reasonable rates. For the reasons described above, an order approving or modifying AEP Texas's Energy Efficiency Cost Recovery Factor could adversely impact Sierra Club's members in the Company's service territory. Sierra Club represents the interests of those affected members.<sup>1</sup> Through discovery, the filing of expert testimony, examination of witnesses, and legal briefing, Sierra Club will assist the Commission in evaluating and resolving AEP Texas's requested changes to its Energy Efficiency Cost Recovery Factor.

6. Sierra Club's participation in this case is substantially in the public interest. As noted, Sierra Club has extensive knowledge of and experience with Texas law and energy policy relating to energy efficiency and demand response issues, the economics of such measures, and the ability of energy efficiency to reduce reliance on more expensive fossil generation, thereby reducing overall system costs and improving reliability. Moreover, Sierra Club and its Texas members routinely participate in Texas Public Utility Commission proceedings and in previous SPS rate and generation abandonment proceedings, to advocate for more robust energy efficiency and demand response programs that save customers money, preserve reliability, and assist impacted communities and workers.

7. Sierra Club's intervention will not prejudice the other parties, or broaden or delay the proceeding. Sierra Club seeks to intervene in this proceeding to present legal, policy and

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<sup>1</sup> To protect its members' First Amendment associational interests, Sierra Club does not publish its individual members' names absent a lawful order or their individual consent. *See NAACP v. Alabama*, 357 U.S. 449, 460 (1958) (recognizing the right of privacy in association, and holding that governmental entities may not compel the disclosure of organizational membership lists absent a compelling government interest and a showing that interest is substantially related to the information sought). While Sierra Club maintains that the Commission should not require similarly-situated public interest organizations to publish a list of individual members who are AEP Texas customers, Sierra Club is prepared to identify any members who are also AEP Texas customers, if required to do so by Commission order.

technical analysis and evidence related to AEP Texas's request for a change in its Energy Efficiency Cost Recovery Factor.

8. This motion to intervene is timely, being filed by the default intervention deadline under Procedural Rule 22.104(b). Sierra Club will adhere to the procedural schedule and all applicable guidelines if granted intervention.

9. Sierra Club's authorized representatives in this matter are:

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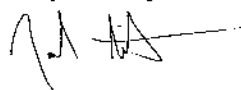
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Sierra Club respectfully requests that Mr. Smith and Dr. Reed be included on the service list in this proceeding.

**WHEREFORE**, Sierra Club respectfully requests that the Commission grant its motion to intervene as a full party of record and allow it to participate fully in this docket—including, without limitation, filing and presenting comments and/or testimony, cross examining witnesses, participating in all formal and informal conferences and hearings, and filing briefs and any other pleading, to the extent it deems necessary for its full participation herein.

Dated this 27th day of June 23, 2023.

Respectfully submitted,



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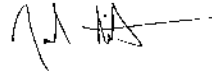
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### **CERTIFICATE OF SERVICE**

I, Joshua Smith, certify that a copy of the Sierra Club's Motion to Intervene was served upon all parties of record in this proceeding on June 27, 2023, by electronic mail.

A handwritten signature in black ink, appearing to read 'Joshua Smith', written over a horizontal line.

Joshua Smith  
Sierra Club Environmental Law Program